

Planning and Development Authority For Saskatchewan Rural Municipalities and Planning Districts *

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INTRODUCTION

In Saskatchewan, the primary responsibility for managing community planning, land use and development rests with the local municipality. The Planning and Development Act, 1983, c. P-13.1 (the Act) provides municipalities with the legal framework necessary to carry out community planning, establish zoning bylaws, require development permits, and manage land use on all lands within their jurisdiction. The Act enables municipal councils to develop flexible planning bylaws to meet the needs and expectations of each municipality.

The purpose of this paper is to:

- highlight the planning and development responsibilities available to municipalities as prescribed by The Act;
- describe municipal bylaws available for use by municipalities to manage land use, development and reclamation;
- identify that municipal development processes complements provincial objectives and is not necessarily duplication; and
- confirm the importance of municipal consultation as an effective public relations initiative.

This paper is prepared based on personal working experiences of the author. The opinions and comments expressed are those of the author and should not be interpreted as the official views of Saskatchewan Municipal Affairs, Culture and Housing.

I. Planning and Development Authority in Saskatchewan

The Planning and Development Act, 1983, establishes the planning and land use authority in Saskatchewan for:

- the Minister of Saskatchewan Municipal Affairs, Culture and Housing;
- the Councils for both Urban and Rural Municipalities; and
- Planning Districts Commissions.

A. Ministerial Authority

* Presented at the 24th Annual Meeting of the Canadian Land Reclamation Association held jointly with the Saskatchewan Environmental Industry and Managers Association, Saskatoon, Saskatchewan, September 28-30, 1999.

The Act provides powers to the Minister of Saskatchewan Municipal Affairs, Culture and Housing to co-ordinate the multitude of land use planning issues within the province. Generally, this includes the authority to:

- establish provincial land use policies;
- establish municipal planning commissions;
- authorize the adoption of municipal Basic Planning Statements, Development Plans, Zoning Bylaws; and
- undertake any study pertaining to land use.

B. Municipal Authority

The Act enables municipalities throughout Saskatchewan to administer local land use and development issues including oil and gas development and land reclamation through the adoption of land use policies such as basic planning statements, development plans and zoning bylaws.

The legislation anticipates that municipalities with the assistance of these bylaws will in effect:

- set out the desired framework for future development of their communities through defining goals, objectives and policies;
- clarify the municipal role and development expectations of land use and resource development;
- guide council in their decisions;
- reduce land use conflicts;
- empower council to enforce decisions, their bylaws and development permit conditions;
- provide opportunities for input by all affected interests in the community;
- inform the members of the community on how Council intends to direct and manage the community's needs and expectations; and
- establish a development framework for all parties to follow thereby creating certainty and consistency for the developer.

C. Planning District Commissions

There are currently 17 planning district commissions in Saskatchewan. Where commissions are established, it is advisable to check with the municipality regarding the necessity to consult the commission during the project planning stage of any development.

In general, the establishment of a planning district commission is to provide assistance to the affiliated municipalities respecting community planning and development issues. The commission provides a formal process for inter-municipal discussions of mutual interest and creates opportunity for consistent land use policies and zoning between the affiliated municipalities.

The duties of the planning district commission are reflected in Section 18 of The Act and may include:

- holding public meetings and publishing information on matters affecting land use and development affecting the district;
- assisting the Council of any affiliated municipality in the preparation of policy and zoning standards;
- reviewing and providing recommendations on existing bylaws, development permits and public works for adoption by the affiliated municipalities;
- studying developments within and adjacent to the district and recommend appropriate action to the affiliated municipalities; and
- identifying social, environmental and economic implications of commission recommendations to the municipalities.

A few Municipalities as in the case of the Great Sand Hills Planning District have established policies to consult the Commission on all development projects within a specific area of the Great Sand Hills. This Commission was established to ensure consistent bylaw administration by the four rural municipalities and to provide a forum to discuss development issues of mutual interest with stakeholders in the area. The significant increase in oil and gas activity, concern for appropriate reclamation practices and need for a trail network and management plan has consumed many hours of discussion for the Great Sand Hills Planning District Commission. The initiatives of the Commission have been noticed by industry. Whether this recognition is positive or negative, the concern of the Commission is to ensure the industry stakeholders implement the appropriate field practices which minimize impacts to the sensitive environment and save the company expensive reclamation costs. It is note worthy to identify that the standard operating procedures of the many companies is very similar to the objectives of the Great Sand Hill Planning District bylaws. This being said, one would expect in the extremely sensitive areas of the Great Sand Hills that development would naturally be restricted or discouraged in order to be consistent with the standard operating procedures. As such, there is a balance between the interests of the Commission and most company's standard operating procedures. It is evident for those working in the area that it is the field implementation techniques, which require fine-tuning in order to address the sensitive areas of the Great Sand Hills.

Looking at the rest of Saskatchewan, the majority of the other municipalities and commissions have not been so active in managing reclamation issues involving oil and gas development. This is likely due to the environmental and ecological differences between the Sand Hills and other areas of the province. The Great Sand Hills Planing District should be considered an exception to what how Commissions and other municipalities mange industry impacts.

II. Municipal Bylaws

The Act provides municipalities with significant authority to adopt specific policies and zoning regulations and to establish a development permit process to implement the bylaws. While these bylaws generally address local interests regarding land use,

development and municipal servicing, they can also establish specific development standards and practices for environmental reclamation of property.

A. Basic Planning Statement

A basic planning statement contains short declarations of a council's objectives for development in the municipality. It is usually suitable for urban and rural municipalities that are not experiencing large scale or numerous development proposals. A basic planning statement must:

- contain a statement of the objectives for the future development of the municipality;
- contain a statement of objectives to be accomplished by a zoning bylaw;
- incorporate, insofar as is practical, any applicable provincial land use policies;
- be based on any studies and surveys that the minister may require or that may otherwise be appropriate; and
- address any other matter that council considers advisable.

B. Development Plans

A development plan may be more complex and broader in scope than a basic planning statement. It is suitable for urban and rural municipalities examining numerous development proposals or complex development issues needing special zoning regulations. The purposes of a development plan are:

- to serve as a framework whereby the municipality may be guided in making development decisions;
- to identify the critical problems, opportunities and community needs concerning the development of land;
- to set out the desired timing, patterns and characteristics of the future physical, social and economic development of the municipality;
- to establish and specify the programs and actions, and a capital works program necessary for the implementation of the development plan; and
- to outline the methods whereby the best use and development of land and other resources in adjacent municipalities, or affected areas immediately abutting the municipality, may be coordinated.

C. Zoning Bylaws

The primary legal and administrative means of implementing a policy plan is the zoning bylaw. It divides a municipality into zoning districts and regulates the development and use of land in those districts. A zoning bylaw permits a council to set local standards for the subdivision and use of land, and helps manage the delivery of municipal services and resources to new development.

Each zoning district may have regulations specifying:

- the area and dimensions of new lots or parcels of land;
- the size, location, dimensions, and types of buildings;
- the provision of parking spaces or payments in lieu;
- outdoor storage and landscaping;
- the size and location of signs and lighting;

- the removal of soil or vegetation; or
- sound or noxious emissions.

Most importantly, the zoning bylaw

- establishes development permit procedures;
- establishes zoning district development regulations and development standards to manage land use issues pertinent to the zone;
- establishes a Development Appeals Board and appeal mechanisms; and
- establishes the specific land use zones in the municipality.

III. Provincial and Municipal Interests

The legislative authority established under The Act for municipal management of local land use and development interest clearly emphasizes the importance for local decision making regarding municipal and community interests. It should be noted that the Crown under Section 213 of The Act is also bound by the municipal bylaws.

Saskatchewan Municipal Affairs, Culture and Housing, provides a coordination role between municipal interests and provincial interests to ensure:

- provincial interests are incorporated within the local zoning bylaws;
- bylaws do not conflict with provincial interests; and
- municipal interests are considered or incorporated within provincial initiatives.

The provincial legislation and processes which address environmental impact assessments, development on crown lands, critical wildlife, water quality and so forth do not necessarily address local development impacts and municipal servicing interests. The authority to manage these issues including location of development, minimizing land use conflict, ensuring adequate municipal servicing such as road construction and maintenance, fire protection and other local issues rests with the individual municipality.

The various approval processes under Saskatchewan Environment and Resource Management, Saskatchewan Agricultural and Food, Saskatchewan Energy and Mines, municipalities and other provincial agencies are separate regulatory processes which complement each other. These complementary functions ensure the environmental, agricultural, resource and municipal interests are addressed at the project planning stage. It is important to note that these processes can be undertaken concurrently and that a development may require approval from each respective authority before it can commence.

IV. Consultation and Resolving Issues

A. Municipal Consultation

Rural municipal councils have significant pressures to reduce taxes, improve road conditions, and provide additional community and municipal services. With one meeting a month and limited staff resources, they are expected to respond to immediate requests

for development permits, negotiate servicing agreements, and resolve local conflicts between neighbors and developers. With the additional pressures on municipalities by increased oil and gas development, reassessment/tax changes and road rationalization occurring throughout the transportation system, it has become evident that municipalities are very sensitive to and concerned with developments which impact life expectancy of roads.

Through effective municipal consultation and public relations, companies will find very cooperative councilors and administrators willing to assist, provide information and problem solve issues. However, this may not be the case where the council or administrator has experienced:

- little or no consultation from a company;
- negative situations such as road damage by rig moves with limited resolution;
- insensitive field crew practices of demanding immediate permits as the rig sits outside the municipal office; and
- suggestions of potential legal action against a municipality. These and other examples experienced may suggest that previous conflict and frustration between municipalities and oil and gas companies is a result of:
 - a limited understanding and compliance with municipal processes by companies and/or the contractors in the field; and
 - a limited understanding of the oil and gas industry, its operations and time frames by municipalities.

To save both time and money, the company should ensure its contractors are informed of the municipal development procedures. Undertaking effective public relations with a municipality to clarify your company project will expedite operations. Municipal consultation and development permit processes should be incorporated within the standard operating practices. Consultation should include:

- clarifying terms used with clear language;
- meeting with the council to discuss standard operating procedure similarities to municipal expectations and bylaw requirements; and
- completing a development permit application where applicable.

It is apparent that many industry standard operating practices are similar to municipal expectations and bylaw requirements. In the majority of cases, delays with the development permit process could have been avoided through improved consultation practices in the early planning stages of the project.

It is worthy to note that municipalities have a responsibility to work cooperatively with the industry to ensure a balance between the municipal servicing interests and industry's operational needs are achieved. This requires effort by municipal councils to become informed of industry operations and terminology. As projects develop, municipal awareness of the industry's activities and impacts to municipal services becomes evident.

Recent efforts over the last few years on part of both municipalities and industry to understand each others interests has been very positive. Improved communications between the project team and the municipal council is key to expediting any project. Experience has proven that those companies that undertake public relations with municipalities explaining the project and listening to the municipal perspective, establish an invaluable working relationships which may lead to cost saving approaches and expedited municipal decisions. Those that don't establish a good working relationship may feel they become bogged down in municipal processes and undue delays. How your company relates to the municipal sector in Saskatchewan is yours to chose. With effective consultation, you will find positive opportunities that can provide your company both short and long-term cost savings.

B. RESOLVING ISSUES

Local municipal issues with the oil and gas industry range from:

- the need for development permits,
- misapplication of zoning authority by municipalities,
- development standards,
- reclamation practices,
- depth of flowlines under roads,
- location of seismic testing on public road right of ways vs. private land, and of course
- road impacts caused by battery sites, heavy hauls or possibly rig moves in the middle of a rainstorm.

It should be noted that these are certainly local issues requiring local resolution not provincial intervention.

The majority of these and other local issues are resolvable at the project planning stage. The company is responsible for obtaining all necessary permits prior to development. Therefore, it is the company -s responsibility to consult the municipality well in advance of the project to ensure it has met any municipal development requirements.

Your consultations and discussions with a rural municipality should include:

- zoning requirements for the project;
- need for and if necessary submission of a development permit;
- the municipality's past and current experiences with the industry and/or with your company including road issues;
- local environmental considerations
- road impacts and methods for resolution;
- any unresolved issues pending from past projects; and
- collaborative approaches with council when resolving issues rather than confrontational approaches.

By allowing sufficient time for municipal consultation, and taking the initiative to become familiar with the municipal processes, your company and industry can earn the municipality's trust. Earning a municipality -s trust will certainly expedite future projects.

Follow up consultation is also a very important public relations tool to ensure your company, crew, or contractor complied with the municipality -s requirements. You may find the results surprising and answer some of the questions and concerns you may currently have regarding your past municipal experiences. Follow up with the municipal council to ensure the finished job met with their acceptance. It may be as simple as a phone call to the administrator or a quick visit to a council meeting.

Where your projects involve more than one municipality, you may wish to consider a meeting between all affected municipalities to discuss your project activities and identify any issues and options which could improve working relationships and expedite approvals.

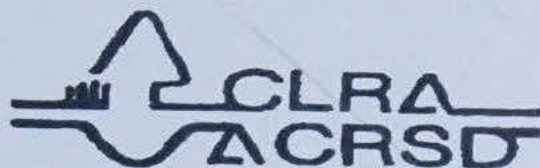
V. Conclusion

Municipalities in Saskatchewan look very favorably upon the oil and gas industry and have done extremely well in accommodating industry -s interests given the increasing activity which has occurred. Today, we hear of a few municipalities exercising their authority to address specific issues affecting the municipality -s ability to manage their interests. This should not be perceived as all municipalities. Road maintenance agreements or development permits are a municipal response towards incorporating local servicing and development issues into the project planning stages and consultation processes of a company.

With increasing oil and gas development and reclamation issues, municipalities have options to pursue their legal authorities to manage development issues. However, it must be recognized that most municipalities prefer to cooperate and mutually resolve any development issues first and view the use of municipal bylaws as a last resort. Therefore the most effective opportunity for industry to address these local interests is through open two way communication directly with the municipality well in advance of the project. To achieve this, including municipal consultation within your company's standard operating procedures will be most effective. Early collaboration with municipalities should result in effective methods and greater opportunity to address local development issues, save time and most importantly costs.

Perspectives in Land Reclamation and Restoration

Presented by:



Canadian Land Reclamation Association/
Association Canadienne De Réhabilitation Des Sites Dégradés



Including the Canadian Land Reclamation Association's
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7:00 - 9:00 Registration Booth Open

Tuesday, September 28th

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7:45 - 8:00 AM Bus Loading from Saskatoon Inn Lobby

8:00 AM Field Tour Departure (no delays)

7:00 - 10:00 PM Wine and Cheese, Registration

Wednesday, September 29th

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7:30 Registration

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 Tracy Patterson (CLRA) and Theresa Salamone (SEIMA) n/a

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 Session Chair: Lorne Veitch – Saskatchewan Agriculture and
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